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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,349	01/03/2001	Hironao Okayama	OKAYAMA2	9117
1444	7590	10/30/2003	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			YUN, JURIE	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/646,349	OKAYAMA ET AL.	
	Examiner Jurie Yun	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 9/16/03.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 3-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. The amendment filed 9/16/03 has been entered, and the objections to claims 1-6 and the abstract are withdrawn.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: it appears that there is a typo in line 6. It is assumed that line 6 should read “reduction rate of not **less** than 60%” as this is what is supported in the specification. Appropriate correction is required.
3. Claim 4 is objected to because of the following informalities: it appears that there is a typo in line 3. It is assumed that in line 3, “tube” should not be struck out so as to read “for use in a color picture tube, comprising...” instead of “for a color picture, comprising...” Appropriate correction is required.
4. Claim 6 is objected to because of the following informalities: it appears that there is a typo in line 2. It is assumed that in line 2, “tube” should be added after “picture” so as to read “for use in a color picture tube, comprising...” instead of “for a color picture, comprising...” Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiyoshi et al. (JP 08-333654).

7. With respect to claims 3, 4, 9, and 10, Kiyoshi et al. disclose a method of producing a material for an aperture grille for use in a color picture tube (see Industrial Application), comprising providing a low carbon steel sheet containing 9 to 30 wt% of Ni and/or 9 to 30 wt% of Ni and 0.1 to 5 wt% of Co; cold-rolling the low carbon steel sheet at a reduction rate of not less than 60% and annealing the low carbon sheet at a temperature of 400 to 500 degrees Celsius (see Abstract). The Ni content is 26-52%, which includes 9-30 wt% as claimed; the Co content is 1-20%, which includes 0.1-5 wt% as claimed; and the reduction rate is 15-80%, which also includes "not less than 60%". The various ranges disclosed by Kiyoshi et al. are included in the ranges as claimed. Also, see paragraphs 0018-0020 regarding shadow mask, and particularly paragraph 0020.

8. With respect to claims 5-8, Kiyoshi et al. disclose a method of producing a material for an aperture grille for use in a color picture tube (see Industrial Application), comprising providing a low carbon steel sheet containing 9 to 30 wt% of Ni and/or 9 to 30 wt% of Ni and 0.1 to 5 wt% of Co; annealing the low carbon steel sheet at a temperature of 500 to 800 degrees Celsius; subjecting the low carbon steel sheet to cold-rolling at a reduction rate of not less than 60%, and annealing the low carbon steel sheet at a temperature of 400 to 500 degrees Celsius (Means for Solving the Problem, paragraphs 0013 & 0014). The Ni content is 26-52%, which includes 9-30 wt% as claimed; the Co content is 1-20%, which includes 0.1-5 wt% as claimed; and the

reduction rate is 15-80%, which also includes "not less than 60%". The various ranges disclosed by Kiyoshi et al. are included in the ranges as claimed. Also, see paragraphs 0018-0020 regarding shadow mask, and particularly paragraph 0020.

***Response to Arguments***

9. Applicant's arguments with respect to claims 3-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 703 308-3535. The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 703 308-4858. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0956.

JY · Jurie Yun  
October 21, 2003

*David Bruce*  
DAVID V. BRUCE  
PRIMARY EXAMINER